

6247

FILED  
07 DEC 11 PM 3:50  
JW  
CHAS. J. WILKING  
DISTRICT COURT  
DISTRICT OF CALIFORNIA

1 **COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983**

2

3 Name WEAVER, WILLIE

4 (Last)

(First)

(Initial)

5 Prisoner Number J-91389

6 Institutional Address PELICAN BAY STATE PRISON  
 7 P.O. Box 7000 CRESCENT CITY, CA. 95531.

8

9 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

10 WILLIE WEAVER  
 11 (Enter the full name of plaintiff in this action.)

12 vs.

13 PELICAN BAY STATE  
 14 PRISON CORRECTIONAL  
 15 OFFICER RICH CREEK

16 (Enter the full name of the defendant(s) in this action))  
 17

Case No. 6247

(To be provided by the clerk of court)

**COMPLAINT UNDER THE**  
**CIVIL RIGHTS ACT,**  
**42 U.S.C §§ 1983**

18 **[All questions on this complaint form must be answered in order for your action to proceed..]**

19 I. Exhaustion of Administrative Remedies

20 **[Note:** You must exhaust your administrative remedies before your claim can go  
 21 forward. The court will dismiss any unexhausted claims.]

22 A. Place of present confinement P.S. C

23 B. Is there a grievance procedure in this institution?

24 YES (✓) NO ( )

25 C. Did you present the facts in your complaint for review through the grievance  
 26 procedure?

27 YES (✓) NO ( )

28 D. If your answer is YES, list the appeal number and the date and result of the

COMPLAINT

- 1 -

1 appeal at each level of review. If you did not pursue a certain level of appeal,  
2 explain why.

3 1. Informal appeal \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_ 2. First  
6 formal level \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_

9 3. Second formal level \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_ 4 Third  
12 formal level \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_

15 E. Is the last level to which you appealed the highest level of appeal available to  
16 you?

17 YES ( ) NO (✓)

18 F. If you did not present your claim for review through the grievance procedure,  
19 explain why. STILL BEING PROCESSED  
20 \_\_\_\_\_  
21 \_\_\_\_\_

22 II. Parties

23 A. Write your name and your present address. Do the same for additional plaintiffs,  
24 if any.

25 WILLIE WEAVER PELICAN BAY STATE  
26 PRISON P.O. Box 7000 CRESCENT CITY  
27 CALIFORNIA 95531.

28 B. Write the full name of each defendant, his or her official position, and his or her

place of employment.

PELICAN BAY STATE PRISON

CORRECTIONAL OFFICER RICH CREEK

III.

### Statement of Claim

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

DOING MAIL PICK UP CORRECTIONAL OFFICER RICH CREEK KICKED THE DOOR, PLAINTIFF CELL DOOR WITH A LOUD BANG, BECAUSE OF FILING TRUE ALIGATION AGAINST THIS CORRECTIONAL OFFICER, HE JUST KEEP ON HARRASSING PLAINTIFF, THERE WAS NO REASON FOR CORRECTIONAL OFFICER TO KICK PLAINTIFF DOOR WITH A LOUD BANG DURING MAIL PICK UP THE DEFENDANT SHOWED DELIBERATE INDIFFERENCE UNDER THE EIGHT AMENDMENT THAT CONSTITUTE CRUEL UNUSAL PUNISHMENT.

### IV. Relief

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

LIABILITY DAMAGES; 25,000 TWENTY FIVE THOUSAND DOLLARS DUE TO;

COMPLAINT

1 HARRASSMENT, CONSPIRACY, U.S.  
2 CONSTITUTIONAL VIOLATION PENAL CODE  
3 VIOLATION

4 PUNITIVE DAMAGES: 25,000 TWENTY  
5 FIVE THOUSAND DOLLARS DUE TO:  
6 MENTAL ANGUISH STRESS DISORDER,  
7 SECONDARY DEPRESSIVE DISORDER  
8 I declare under penalty of perjury that the foregoing is true and correct.

9 Signed this 12 day of 03, 20 07

10 Willip Weaver  
11  
12 (Plaintiff's signature)

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COMPLAINT